

REMARKS

This Amendment is submitted in response to the official action dated March 6, 2008. The claim amendments included herein are merely clarifying amendments and are not meant to change the intended scope of the claims. Thus, the amendments present the rejected claims in better form for consideration on appeal, and they should be entered in due course. Moreover, the amendments are manifest, requiring only a cursory review by the Examiner, thereby providing additional ground for their entry.

Claims 1-23 were pending in the application. In the official action, claims 1-23 were rejected. In this Amendment, claims 1, 5, 16, 17, and 19-23 have been amended. Claims 1-23 thus remain for consideration.

Applicant submits that claims 1-23 are in condition for allowance and requests withdrawal of the rejections in light of the following remarks.

§102 and §103 Rejections

Claims 1-13, 15-17, and 19-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Salonidis et al. (U.S. Patent No. 6,865,371) in view of Kiesler et al. (U.S. Patent No. 2,292,387).

Claims 14 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Salonidis in view of Kiesler and further in view of Gehrman (<http://grouper.ieee.org>).

Applicant submits that the independent claims (claims 1, 5, 16, 17, and 19-23) are patentable over Salonidis, Kiesler, and Gehrman (collectively "the cited references").

Applicant's invention as recited in the independent claims is directed toward data communication. Each of the claims

recites that a data communication path between two communication apparatuses is established when the timing of a user performing a manual operation on one of the two apparatuses or on a peripheral device associated with said one of the two apparatuses corresponds to the timing of a user performing a manual operation on the other of the two apparatuses or on a peripheral device associated with said other of the two apparatuses. (Supporting disclosure can be found in the specification at, for example, page 9, line 20 - page 10, line 2; page 21, lines 12-19; and page 32, lines 12-20.)

None of the cited references discloses establishing a data communication path between two communication apparatuses when the timing of a user performing a manual operation on one of the two apparatuses or on a peripheral device associated with said one of the two apparatuses corresponds to the timing of a user performing a manual operation on the other of the two apparatuses or on a peripheral device associated with said other of the two apparatuses. In particular, Applicant notes that Kiesler's page 3, column 2, lines 16-27 discloses an apparatus for holding record strips in place and simultaneously releasing the record strips. However, Kiesler's record strips are released automatically upon the breaking of electrical conductors (See Kiesler page 3, column 2, lines 28-56), and therefore Kiesler's apparatus functions without any manual operation by a user.

Since none of the cited references discloses establishing a data communication path between two communication apparatuses when the timing of a user performing a manual operation on one of the two apparatuses or on a peripheral device associated with said one of the two apparatuses corresponds to the timing of a user performing a manual operation on the other of the two apparatuses or on a peripheral device associated with said other of the two apparatuses, Applicant believes that claims 1, 5, 16, 17, and 19-23 are

patentable over the cited references - taken either individually or in combination - on at least this basis.

Further, since dependent claims inherit the limitations of their respective base claims, Applicant believes that dependent claims 2-4, 6-15, and 18 are patentable over the cited references for at least the same reasons as discussed in connection with the independent claims.

Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited. If any issues remain, or if the Examiner has any further suggestions, he/she is invited to telephone the undersigned at (908) 654-5000.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 12-1095.

The Examiner's consideration of this matter is gratefully acknowledged.

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Respectfully submitted,

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